

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:11 CR 246 CDP-4
)
DOMINIC HENLEY(4),)
)
Defendant.)

ORDER

This matter is before the Court on defendant Dominic Henley's motions to suppress statements.¹ As with the other pretrial motions in this case, these motions were referred to United States Magistrate Judge Frederick R. Buckles under 28 U.S.C. § 636(b). Judge Buckles received briefs and heard evidence related to the motions. He then filed his Report and Recommendation recommending that one motion be denied, and one be granted in part and denied in part. Defendant Henley has filed objections to each of Judge Buckles' recommended rulings.

I have conducted a *de novo* review of the motions, including reviewing all briefs and transcripts and reviewing all evidence submitted at the hearing. I conclude Judge Buckles properly found the facts from the evidence and properly applied the law to those facts. In particular, I find that Henley was advised of his

¹Defendant Henley also filed a motion to suppress the contents of any electronic surveillance. It is dealt with in a separate order.

rights under *Miranda v. Arizona*, 384 U.S. 436 (1986) on August 15, 2009 before he made the statements. I also agree that the only statements made after August 25, 2009 that must be suppressed are those relating to the August 10, 2009 incident. I will therefore adopt the factual findings, the reasoning, and the legal conclusions reached by Judge Buckles.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#1001] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant Dominic Henley's motion to suppress statements [#374] is denied, and his motion to suppress statements [#323] is granted in part and denied in part, to the extent that only those statements made by Henley after August 25, 2009 that related specifically to the August 10, 2009 armed robbery for which he was charged are suppressed.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of October, 2012.